

UNITED STATES DISTRICT COURT
for
NORTHERN DISTRICT OF TEXAS

Petition for Offender Under Supervision

Name of Offender: Jesse William McGraw Case No.: 3:09-CR-210-B(01)
Name of Sentencing Judge: U.S. District Judge Jane J. Boyle
Date of Original Sentence: March 17, 2011
Original Offense: Count One: Transmitting a Malicious Code, 18 U.S.C. § 1030(a)(5)(A) & (c)(4)(B)(i)(II)
Count Two: Transmitting a Malicious Code, 18 U.S.C. § 1030(a)(5)(A), (c)(4)(B)(i)(II)
Original Sentence: 110 months custody, 3-year term of supervised release
Revocations: January 11, 2018: 6 months custody, 30-month term of supervised release
Detainers: None
U.S. Marshals No.: 38690-177
Type of Supervision: Supervised Release Date Supervision Commenced: July 14, 2017
Assistant U.S. Attorney: Candina S. Heath Defense Attorney: John M. Nicholson
(Court appointed)

Petitioning the Court for Action for Cause as Follows:

To issue a violator's warrant.

The probation officer believes that the offender violated the following conditions:

I.

Violation of Mandatory Condition

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

Nature of Noncompliance

Mr. McGraw violated this condition of supervised release as evidenced by not reporting to the U.S. Probation Office in Dallas, Texas, within 72 hours of his release. Mr. McGraw was released from the Bureau of Prisons (BOP) on May 17, 2018.

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Personal History

On May 11, 2018, U.S. Probation Officer Toni Thompson emailed reporting instructions to Mr. McGraw's BOP case manager, instructing McGraw to report to the probation office after he arrived at the bus station in downtown Dallas, Texas. Mr. McGraw was released from FCI Seagoville (Texas) on May 17, 2018. On May 18, 2018, U.S. Probation Officer Jason Mabry (USPO Mabry) contacted McGraw's wife, Beatriz Bracho, who stated she had not heard from McGraw. Subsequently, USPO Mabry then contacted McGraw's sister, Jennifer Petty, who advised their mother was contacted by McGraw's wife, who stated McGraw advised her he would be traveling to Cedar Hill Lake, in Cedar Hill, Texas, to evade law enforcement until it was clear for him to leave the country.

On May 22, 2018, BOP Case Manager Cindy Aleman emailed USPO Mabry a copy of McGraw's reporting instructions, signed by both McGraw and Case Manager Aleman. As of May 23, 2018, Mr. McGraw's whereabouts are unknown.

Statutory Provisions — Protect Act Supervised Release

Statutory Maximum Custody:	2 years. 18 U.S.C. § 3583(e)(3) (on each count)
Mandatory Revocation Statutes:	None.
Fine:	\$31,473.29
Statutory Maximum for Reimposition of Supervised Release:	30 months (3 years minus 6 months from the first revocation) minus revocation sentence. 18 U.S.C. § 3583(h).

In U.S. v. Vera, 542 F.3d 457 (5th Cir. 2008), the Fifth Circuit held that the maximum allowable supervised release following multiple revocations must be reduced by the aggregate length of any terms of imprisonment that have been imposed upon revocation.

Chapter 7 Violation Computations

Violation Grade:	C	USSG § 7B1.1(a)(3), p.s.
Criminal History Category:	I	USSG § 7B1.4(a), p.s.
Imprisonment Range:	3-9 months	USSG § 7B1.4(a), p.s.
Fine:	\$31,473.29	USSG § 7B1.3(d), p.s.

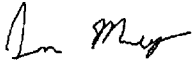
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Pursuant to U.S. v. Miller, 634 F.3d 841 (5th Cir. 2011), the Court may not consider the factors listed in 18 U.S.C. § 3553(a)(2)(A), which include "the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense," when modifying or revoking a term of supervised release.

In U.S. v. Tapia, 131 S. Ct. 2382 (2011), the Supreme Court held that Section 3582(a) does not permit a sentencing court to impose or lengthen a prison term in order to foster a defendant's rehabilitation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2018



Jason Mabry
U.S. Probation Officer
Arlington
Phone: 214-608-8001
Fax: 817-649-5954

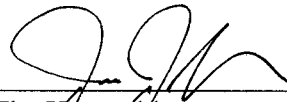
Approved,



Adam Morton
Supervising U.S. Probation Officer
Phone: 817-505-0998

Order of the Court:

- ☒ No action.
- ☒ The Issuance of a Warrant. Petition and warrant sealed and not to be distributed to counsel of record until arrest effectuated.
- ☐ The Issuance of a Summons
- ☐ Other or Additional:
- _____
- _____
- ☐ File under seal until further order of the Court.



The Honorable Jane J. Boyle
U.S. District Judge

5-23-18
Date